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could be used rightfully only to further public or social interests. In the nineteenth century we find common-law courts going much beyond this and thinking themselves bound to put limits in the interest of the individual to social control for the social interest. This change in the spirit of the common law resulted from the political phase of the contests between courts and crown under the Tudors and Stuarts and from the political and juristic theories of the eighteenth century."

The end of law as seen by those who believe that we have entered upon a new stage of legal development is socialization. An infusion of social ideas into the traditional element of law is needed and is taking place before our eyes. Consideration of the public weal as well as of the interests of the individuals before the court has always played some part in our judicial decisions, but undoubtedly a change of emphasis, or at least a more conscious recognition of the importance of this consideration, has occurred within the last few years. That law must change to keep abreast of changing social and economic conditions is admitted by all. Sometimes the change has been subconscious, sometimes cloaked in fictions. The greatest merit of Dean Pound's volume is to prove that "it may grow consciously, deliberately and avowedly through juristic science and legislation tested by judicial empiricism."

Dean Pound has himself been one of the foremost prophets of social utilitarianism in the field of law. In these lectures he has tested each of the factors which has entered into our legal tradition, with reference to its utility to promote socialization of the law. It is with a sense of satisfaction and of optimism that one reads his conclusion that the spirit of the common law is not hostile to the spirit of twentieth-century jurisprudence.

The only criticism of the volume that the present reviewer is disposed to express is the regret that the published edition of the lectures has not been annotated by footnotes. It betrays a wealth of learning which makes the ordinary reader covetous of possessing a bibliography of the materials from which the author has drawn his information.

THOMAS W. SWAN.

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INSANITY AND MENTAL DEFICIENCY IN RELATION TO LEGAL RESPONSIBILITY.

By William G. H. Cook. New York: E. P. Dutton & Co. 1921. pp. xxiv, 192.

This is a very clear and concise statement of the problem presented by the divergent views of the law and of medicine upon insanity and mental deficiency. In spite of the very great interest that is being manifested in the relation of mental science to the problems of human behavior in general and especially to criminal acts, there is still a great deal of confusion in regard to the interpretation of such acts and of the laws relating to them. In writing books that touch upon this subject the temptation is to attempt rather more than our present knowledge justifies. It is particularly satisfactory to note that the author of this book has throughout maintained a very sound restraint and has presented a very complex subject with a directness and a simplicity which have in no way diminished the thoroughness of this study.

Sir John Macdonell in the foreword says "It is still true, as Brett, L. J., remarked in 1879, that the law relating to civil responsibility of lunatics stands upon a very unsatisfactory footing." Nothing is so likely to disclose the differences in method between the law and medicine as a discussion of responsibility. It is perhaps unfortunate that this discussion has been raised most frequently and most prominently in connection with criminals. Dr. Cook points out some of the reasons for this difference of opinion and supports his statement with a discussion of over two hundred cases.

The object of the book is "to fill the gap caused by the absence of modern works dealing with the *civil* responsibility of lunatics and of the mentally defective." There were three main reasons for undertaking the book: first, the unsatisfactory state of the law relating to civil responsibility of lunatics and of the mentally defective; second, the absence of any modern work in which the subject is adequately treated; and third, the steady increase in the number of the insane population of England since 1914. Chapter I is devoted to a study of definitions and classifications. In addition to various medical definitions quoted mostly from English authors, the excellent definitions from the Mental Deficiency Act of 1913 are stated. The definitions of insanity and classifications of insanity are taken largely from Dr. Henry Maudsley and Dr. Charles Mercier. Old English definitions have been quoted from the literature, and finally legal definitions and concepts are most concisely stated. Chapter II deals with mental deficiency in relation to tort. Chapter III deals with mental deficiency and the law of contract. It is divided into seven parts and covers not only mental deficiency in its narrow sense, but also insanity in relation to contracts. Chapter IV is devoted to discussion of mental deficiency and marriage, Chapter V to insanity and divorce, Chapter VI to testamentary capacity and mental deficiency, and Chapter VII briefly discusses the evidence of insanity. An appendix is added containing a summary of chief powers and duties of lunacy and mental deficiency authorities in England, and a second appendix contains suggestions for the reform of lunacy and mental deficiency administration. The typography is good, and the book contains a very useful index and a table of cases cited.

The good judgment and restraint of the author is nowhere more evident than in the suggestions for reform. These are four in number and might well be considered by students of this subject in this country, especially the fourth recommendation, which suggests making the Board of Control a sub-department of the new Ministry of Health and "that the Board be given statutory powers to deal with all cases of unsoundness of mind (*i. e.*, lunatics and mental defectives) in such manner as may be prescribed by Parliament; that is to say, the Board shall be enabled to certify, to segregate, to treat in or outside of institutions, all persons who by reason of defect of mind are a danger or a potential danger to themselves or to the community and to discharge them in proper circumstances. In other words, it is proposed to confer on the Central Authority wide powers for dealing not only with certified lunatics, idiots, imbeciles and feeble-minded persons, but also with all persons who may be suffering from mental disorder in an incipient stage."

It is interesting to note that a serious consideration of civil responsibility in connection with mental abnormality leads to the above conclusion, one which students of criminology have reached sometime since. Emphasis upon this more general aspect may help secure a more intelligent attitude on this latter than has been possible on the basis of experience in criminal cases alone.

HERMAN M. ADLER

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**A DIGEST OF ENGLISH CIVIL LAW.** By Edward Jenks (Editor), W. M. Geldart, W. S. Holdsworth, R. W. Lee, and J. C. Miles. Second Edition. London: Butterworth & Co. 1921. Vol. I, pp. ccxlii, 668. Vol. II, pp. 669-1424.

The distinguished array of authors leads one to expect high things from this ambitious work. Book I, a catch-all called "General," and Book III, Things, were written by Professor Jenks; part of Book II, Contracts, by Professor Lee; The remainder of Book II, Torts, by Mr. Miles; Book IV